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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,842	01/12/2005	Mary Toniolo	05002	7206

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DENNISON, SCHULTZ & MACDONALD  
1727 KING STREET  
SUITE 105  
ALEXANDRIA, VA 22314

EXAMINER
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WERT, JOSHUA P

ART UNIT	PAPER NUMBER
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3709

MAIL DATE	DELIVERY MODE
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06/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/519,842

Applicant(s)

TONIOLO, MARY

Examiner

Josh Wert

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 26-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/22/05</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Election/Restrictions***

1. Applicant's election with traverse of Group I in the reply filed on 5/17/07 is acknowledged. The traversal is on the ground(s) that a serious search burden was not shown. This is not found persuasive because the restriction requirement previously sent out pointed out the distinctness of the three claim groups. As previously stated, group I was directed to a completely mechanical system including a series of mats and a balancing bar while group II comprised electronic structure including video means, text generation means and display means. Furthermore, group III was drawn to a specific method of training a dancer to learn a dance routine. Each group was distinct and, as stated previously on record, would require a different field of search; Group I in a mechanical classification, Group II in an electrical classification and Group III in a training method classification. In addition, the different fields of search would comprise Group I in class/subclass 434/250, Group II in class/subclass 463/36 and Group III in a number of subclasses in class 434.

2. The requirement is still deemed proper and is therefore made FINAL.

***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the co-engagement means (protruding lugs and zipper) in claims 22 and 23 must be

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shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 recites the limitation "said dance" in the last line. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 7-11 and 15-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by M.D. De Long, U.S. Patent 233,482 (Long).

8. Regarding claims 1 and 2, Long discloses a training device for a dancer (Figure 1) comprising a mat (A, Col. 1, lines 14-19) which is provided with a set of indicia representing the preferred position of the feet (Figure 1) during any one or combination of movements pertaining to a dance (Col. 1, lines 14-19).

9. Regarding claims 3 and 4, Long discloses the indicia representing a sequential and progressive combination of movements pertaining to a dance (Figure 1; Col. 1, lines 26-31).

10. Regarding claim 5, Long discloses the sequence being referable (Figure 2; Col. 1, lines 37-38).

11. Regarding claim 7, Long discloses the mat provided with indicia dedicated to a selection of movements pertaining to said dance (C; Col. 2, lines 53-57).

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12. Regarding claims 8 and 9, Long discloses the motion of both the right and left legs (Figure 1; there are indicia drawn in a way as to distinguish both a left and a right foot position and movement).

13. Regarding claims 10 and 11, Long discloses matching sets of indicia applied to the front and back of the mat (Col. 2, lines 79-81; the forward progression is on the front and the matching reverse progression is on the back).

14. Regarding claims 15 and 16, Long discloses the foot facsimiles being visual images printed on the mat (Col. 1, line 49).

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 6 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long.

17. Long substantially discloses the claimed invention except for the mat being specifically for a ballet dancer or for a dancer with small legs. Although the embodiment of the disclosure is directed to learning the waltz, it is generally directed to a dance training aid. Once it is known to place one dance routine on a mat, thus it would have been obvious to one having ordinary skill in the art at

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the time the invention was made to modify the position of the indicia on Long's mat to accommodate any dance routine for any size person.

18. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Kolp, U.S. Patent 900,105.

19. Long substantially discloses the claimed invention except for their being a plurality of mats used in combination. Kolp teaches using a plurality of mats with indicia (Figures 1-8) working in combination (Col. 1, lines 28-39) to train a dancer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Long's mat to be split in to several smaller mats as taught by Kolp in order to make the mat more portable and/or to break down the dance in to specific movements to help train dancers.

20. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Rothkugel, U.S. Patent 1,277,645.

21. Long substantially discloses the claimed invention except for the visual means being color-coded. Rothkugel teaches color-coding left and right foot indicia (Col. 4, lines 52-56). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mat disclosed by Long to included color-coded indicia as taught by Rothkugel in order to make distinguishing between left and right foot positions on the mat easier for the dancer.

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22. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Mitchell, U.S. Patent 1,815,443.

23. Long substantially discloses the claimed invention except for the indicia being tactile means. Mitchell teaches using tactile means (cardboard cut-outs in the shape of feet) to teach dancers a dance so that they can unconsciously glide across the tactile means (Col. 2, lines 65-72). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Long's mat so that the indicia were tactile as taught by Mitchell so that the dancer would not have to look down while learning the dance but could instead unconsciously acquire the dance to be learned by feeling the foot placements as laid out on Long's mat.

24. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Kravitz, U.S. Patent 2,932,510.

25. Regarding claim 20, Long substantially discloses the claimed invention except for there being a balancing associated with the mat. Kravitz teaches a portable ballet bar (Figure 1) comprising horizontal and vertical bars (Figure 1) adapted for assisting a dancer in balancing during a dance (Col. 1, lines 15-16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Long's mat to be accompanied by a balancing bar as taught by Kravitz and locate it near the mat in order to help the dancer maintain balance while learning the dance on the mat.



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26. Regarding claim 21, Kravitz teaches the balancing bar being adjustable vertically by use of telescoping rods (Col. 1, lines 44-47). Although Kravitz does not teach the balancing bar being adjustable horizontally, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the horizontal bars in Kravitz balancing bar to be telescoping as taught by the vertical bars in order to increase the flexibility and portability of the balancing bar.

27. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Wilkinson, U.S. Patent 5,066,001.

28. Long substantially discloses the claimed invention except for the mats being adapted for co-engagement with a second mat. Wilkinson teaches adapting mats for co-engagement with plural mats (Figures 7; protruding lug, and Figure 8; zipper). It would have been obvious to one having ordinary skill in the art to adapt Long's mat with a co-engagement means as taught by Wilkinson (either lug or zipper) in order for it to be able to be coupled to a secondary mat.

### ***Conclusion***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

30. U.S. Patent 2,595,111 to Steward discloses connecting multiple mats together.

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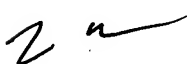
31. U.S. Patent 5,713,822 to Newman et al. discloses a mat for aerobics with foot indicia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Josh Wert whose telephone number is 571-270-1894. The examiner can normally be reached on Monday - Thursday 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jackson can be reached on (571) 272-4697. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/12/07  
JPW



GARY JACKSON  
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